



35.C15259

## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TOMOHIRO SUZUKI ET AL.

Application No.: 09/764,049

Filed: January 19, 2001

For: FLUOROMETRY AND  
FLUOROMETRIC DEVICE  
AND SUBSTRATE SUITABLE  
THEREFOR

TECHNOLOGY CENTER 2800

RECEIVED

Commissioner for Patents  
Washington, D.C. 20231

**REQUEST TO WITHDRAW ERRONEOUSLY ISSUED  
NOTICE OF INCOMPLETE REPLY (NON-PROVISIONAL)**

Sir:

Applicants reply on or about May 25, 2001 to a Notice to File Missing Parts mailed March 27, 2001 in the subject application. A Notice of Incomplete Reply was mailed July 12, 2001 alleging that Applicants' reply to the Notice to File Missing Parts did not include a properly signed oath or declaration identifying the application by the application number and filing date.

To the contrary, Applicants will demonstrate that the reply filed May 25, 2001, did in fact, include a properly executed declaration complying with 37 C.F.R. §1.63 identifying the application by its application number and filing date. Initially, Applicants have attached as Exhibit A, a copy of the return card stamped to show receipt by the Patent Office Mail Room on May 25, 2001. The return card was filed with a response to the Notice to File Missing Parts and lists as one of the accompanying documents with the executed Declaration. In addition, in the accompanying Exhibit B, Applicants have filed a copy of their response to the Notice to File Missing Parts of Application dated May 24, 2001, together with a copy of the executed Declaration attached thereto which identifies the subject application by its application number and filing date.

The above was communicated to Ms. Ivey on July 23, 2001, July 31, 2001 and August 9, 2001. Ms. Ivey advised the undersigned that the executed Declaration has been located and that a corrective paper would be mailed out in due course withdrawing the Notice of Incomplete Reply. This paper is being filed to make of record the above.

Accordingly, since Applicants have provided evidence to the Patent Office has in fact received the executed Declaration and has provided a copy of the executed Declaration, as filed, it is respectfully requested that the Notice of Incomplete Reply be withdrawn and that prosecution be continued for the subject application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



\_\_\_\_\_  
Attorney for Applicants

Registration No. 24987

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 189623v1

35.C15259

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
TOMOHIRO SUZUKI ET AL. ) : Examiner: Unassigned  
Application No.: 09/764,049 ) : Group Art Unit: Unassigned  
Filed: January 19, 2001 ) :  
For: FLUOROMETRY AND )  
FLUOROMETRIC DEVICE ) :  
AND SUBSTRATE )  
SUITABLE THEREFOR : May 24, 2001

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**ATTENTION: APPLICATION PROCESSING DIVISION, SPECIAL  
PROCESSING AND CORRESPONDENCE BRANCH**

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION - FILING DATE GRANTED**

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED mailed March 27, 2001, enclosed please find an executed Declaration/Power of Attorney form, a check for \$130.00 for translation processing fee, a check for \$130.00 surcharge fee and a check for \$206.00 for additional claims fee, together with the English translation of the Japanese specification, claims and drawings which were filed in the U.S. Patent and Trademark Office on January 19, 2001 by Tomohiro Suzuki et al. in Application No. 09/764,049. Also enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

---

Attorney for Applicants

Registration No. \_\_\_\_\_

---

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 171816v1

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 5, 25, 2001  
Mo. Day Yr.

Atty. Docket 35C 15259  
Appln No. 09/764,049

Sir:

Kindly acknowledge receipt of the accompanying:

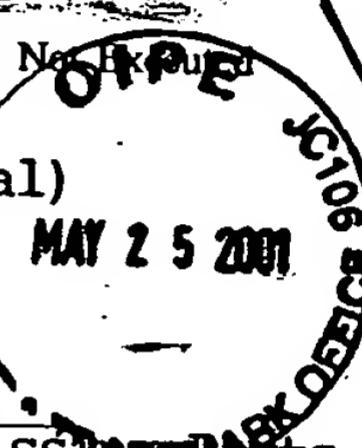
Specifications, claims and abstract 34 pages, with English Transl.  
 Oath or Declaration and Power of Attorney  Executed  Not Executed  
 3 Sheets of ✓ formal        informal drawings  
 Check for \$ 206.00 (filing fee) (additional)  
 Check for \$130.00 Processing fee  
 Check for \$130.00 Surcharge fee  
 Transmittal U.S.P.T.O.  
 Petition under 37 CFR 1.136 and check for \$ \_\_\_\_\_  
 Other (specify) Response to Notice to File Missing Parts

by placing your receiving date stamp hereon and mailing or returning to deliverer.  
This is a  Continuation  Divisional  Continuation-In-Part

Atty. Ps/lm

Due Date 5, 27, 2001  
Mo. Day Yr.

37 CFR 1.8   
37 CFR 1.10   
By Hand



RECEIVED  
TECHNOLOGY CENTER 2000  
MAY 20 2001